

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON; and STATE OF
OREGON,

Plaintiffs,

v.

DONALD J TRUMP, et al.,

Defendants.

CASE NO. 2:25-cv-00602-JHC

ORDER

Before the Court are the parties' motions at Dkt. ## 37 & 64. Based on its review of the briefing relating to the motions, the Court DIRECTS the parties to provide supplemental briefs to address the following questions:

Plaintiffs shall address:

1. Under which cause (or causes) of action do Plaintiffs seek relief for each individual claim regarding Executive Order 14248 (EO)? To the extent Plaintiffs assert any non-*ultra vires* causes of action, please explain the cause(s) of action and provide a legal basis for the claim(s).

1 2. Whether Plaintiffs have standing to challenge EO section 2(d) if, as Defendants
2 contend, the provision applies only to federal agencies under the National Voter Registration
3 Act. *See* Dkt. # 64 at 25.

4 3. Whether Plaintiffs challenge EO section 3(d) in its entirety or only section 3(d)(i).
5 If Plaintiffs challenge section 3(d)(ii), please explain briefly how the challenge is justiciable.

6 4. Whether a favorable ruling on Plaintiffs' challenge to EO section 4(b) would
7 moot Plaintiffs' section 4(d) claim and, if not, why Plaintiffs' 4(d) challenge should still survive
8 Defendants' motion to dismiss.

9 5. Whether Plaintiffs request an injunction regarding EO section 7(a) in its entirety
10 or only as to specific applications. *See, e.g., California v. Trump*, No. 25-CV-10810-DJC, 2025
11 WL 1667949, at *14 (D. Mass. June 13, 2025) (enjoining the Attorney General from taking civil
12 and criminal enforcement actions but declining to enjoin "all applications" of section 7(a)). To
13 the extent Plaintiffs request a total injunction, please explain briefly why any and all applications
14 of section 7(a) are unlawful and should be enjoined.

15 6. Whether Plaintiffs still agree to dismissal of their challenges to EO sections
16 2(b)(iii), 2(e)(ii), and 5(b), considering Defendants' clarifications in their reply. *See* Dkt. # 113
17 at 116. To the extent Plaintiffs no longer agree to dismissal, please explain why the claims
18 should not be dismissed.

19 7. Whether this Court can, consistent with the Supreme Court's decision in *Trump v.*
20 *CASA, Inc.*, 606 U.S. 831 (2025), issue Plaintiffs' requested relief, specifically with respect to
21 EO sections 2(a) and 4(b).

22 8. Whether Plaintiffs oppose dismissal of Claim 6 (Violation of the Article II,
23 Section 3 of the U.S. Constitution), *see* Dkt. # 1 at 41, and if so, whether this Court can,
24 consistent with the political question and other justiciability doctrines, review this claim.

